

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

YUCAIPA-CALIMESA JOINT UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2015020259

ORDER GRANTING INITIAL
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On March 11, 2015, Yucaipa-Calimesa Joint Unified School District filed a request to continue the prehearing conference and due process hearing dates in this matter, based upon discussions with Parent, who is seeking representation. Parent and Student do not oppose the request.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: May 1, 2015, at 1:00 p.m.

Due Process Hearing: May 11 through May 14, 2015, and continuing day

to day thereafter, Monday through Thursday as needed, at the discretion of the Administrative Law Judge. Unless otherwise ordered, the hearing will begin at 1:30 p.m. on May 11 and at 9:00 a.m. on all other days.

If the parties wish to participate in mediation, they may select a mutually agreeable date that conforms to OAH's policies and request OAH to set a mediation.

IT IS SO ORDERED.

DATE: March 16, 2015

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings